

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-CR-50-JFH

JIMCY MCGIRT,

Defendant.

OPINION AND ORDER

Before the Court is the Motion for Expedited Sentencing (“Motion”) filed by Defendant Jimcy McGirt (“Defendant”). Dkt. No. 273. For the reasons set forth, the Motion is DENIED.

On December 5, 2023, the parties entered into a plea agreement pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). Dkt. No. 267. Defendant pleaded guilty to one count of Aggravated Sexual Abuse. *See* Dkt. No. 265; Dkt. No. 267; Dkt. No. 269. The parties stipulated that a sentence of thirty (30) years, with a recommendation that Defendant be given credit for all time previously served in state and federal custody is the appropriate disposition of the case. Dkt. No. 267 at 8. Defendant requests an expedited sentencing hearing, arguing that he is at increased risk while in custody due to the nature of his offense, his advanced age, and his poor health.

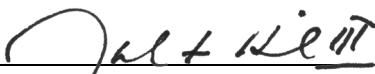
In taking this position Defendant presupposes that the Court will accept the 11(c)(1)(C) plea agreement. However, acceptance of 11(c)(1)(C) plea agreements is not a matter of right.¹ The parties are encouraged to submit sentencing memoranda explaining the bases for their plea agreement to the Court.

¹ Despite Defendant’s statements to the contrary [Dkt. No. 273 at 1; Dkt. No. 275 at 1], the Court has not yet approved or accepted the plea agreement, as the appropriate time for the Court to do so is *at* sentencing.

Because of the Court's current unprecedented criminal caseload, the current average time between a change of plea and sentencing in this District is longer than anyone—litigants, attorneys, or the Court—would prefer. However, Defendant has not shown that he is entitled to be treated differently than the other defendants on the Court's overburdened sentencing docket. Nonetheless, the Court will make effort to set sentencing as soon as practical given its docket.

IT IS THEREFORE ORDERED that Defendant's Motion for Expedited Sentencing [Dkt. No. 273] is DENIED.

Dated this 16th day of January 2024.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE